

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EYAL YAKOBY, JORDAN DAVIS, NOAH
RUBIN and STUDENTS AGAINST
ANTISEMITISM, INC.,

Plaintiffs,

v.

THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA,

Defendant.

No. 2:23-cv-04789 (MSG)

PLAINTIFFS' NOTICE TO STAND ON FIRST AMENDED COMPLAINT

On June 2, 2025, the Court dismissed and struck Plaintiffs' First Amended Complaint with prejudice as to some claims and without prejudice as to others. ECF No. 73. The Court gave Plaintiffs 30 days to amend their complaint, but the Court's Order does not state that final judgment will issue if Plaintiffs do not amend their complaint. *Id.* In other words, under Third Circuit case law, it is not a "self-effectuating" order. *Weber v. McGrogan*, 939 F.3d 232, 240 (3d Cir. 2019).

Plaintiffs decline to amend their First Amended Complaint at this stage. Instead, they respectfully give notice of their intention to stand on their First Amended Complaint and to seek immediate appeal of this Court's dismissal Order in the Third Circuit. *See id.* (holding that "a clear and unequivocal intent to decline amendment and immediately appeal that leaves no doubt or ambiguity can allow us to exercise jurisdiction"). Plaintiffs respectfully request that this Court immediately issue final judgment from which Plaintiffs will appeal.

Dated: June 25, 2025

Respectfully,

/s/ Marc E. Kasowitz

Marc E. Kasowitz (*pro hac vice*)

Daniel R. Benson (*pro hac vice*)

Andrew L. Schwartz (*pro hac vice*)

Joshua E. Roberts (*pro hac vice*)

Jillian R. Roffer (*pro hac vice*)

KASOWITZ BENSON TORRES LLP

1633 Broadway

New York, New York 10019

Tel: (212) 506-1700

mkasowitz@kasowitz.com

dbenson@kasowitz.com

aschwartz@kasowitz.com

jroberts@kasowitz.com

jroffer@kasowitz.com

Eric A. Shore (ID: 73807)

LAW OFFICES OF ERIC A. SHORE, P.C.

1500 JFK Boulevard

Suite 1240

Philadelphia, Pennsylvania 19102

Tel: (856) 433-6198

erics@ericshore.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Marc E Kasowitz, hereby certify that on the below referenced date, I electronically filed the foregoing Notice to Stand on First Amended Complaint with the Clerk of the Court using the Court's electronic filing system ("ECF"), which will send notification of such filing to all counsel of record. The foregoing document is also available for viewing and/or downloading from ECF.

/s/ Marc E. Kasowitz
Marc E. Kasowitz

Dated: June 25, 2025